

Hon. Robert J. Bryan

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON

LAWRENCE HARTFORD; DOUGLAS
MITCHELL; BRETT BASS; SPORTING
SYSTEMS VANCOUVER, INC.; SECOND
AMENDMENT FOUNDATION; AND
FIREARMS POLICY COALITION, INC.,

Plaintiffs,

v.

BOB FERGUSON, in his official capacity as
Washington State Attorney General; JOHN R.
BATISTE, in his official capacity as Chief of the
Washington State Patrol; JOHN GESE, in his
official capacity as Sheriff for Kitsap County,
Washington; CLAYTON MYERS, in his official
capacity as Sheriff for Kittitas County,
Washington; JOHN HORCH, in his official
capacity as Sheriff for Clark County,
Washington; ADAM FORTNOY, in his official
capacity as Sheriff for Snohomish County,
Washington; CHAD M. ENRIGHT, in his
official capacity as County Prosecutor for Kitsap
County, Washington; GREG ZEMPEL, in his
official capacity as County Prosecutor for
Kittitas County, Washington; TONY GOLIK,
in his official capacity as County Prosecutor for
Clark County, Washington; and JASON
CUMMINGS, in his official capacity as County
Prosecutor for Snohomish County, Washington,

Defendants.

No. 3:23-cv-05364-RJB

RESPONSE TO KITTITAS COUNTY
DEFENDANTS' MOTION TO DISMISS

1 Plaintiffs oppose the Motion of Kittitas County Defendants Zempel and Myers (Dkt. No.
2 61) for the reasons stated in Plaintiffs' Opposition (Dkt. No. 53) to the Kitsap County (Dkt. No.
3 32) and Snohomish County (Dkt. No. 38) Motions to Dismiss.

4 Plaintiffs acknowledge that under the reasoning of this Court's Order granting those
5 Motions (Dkt. No. 60), this Motion will be granted as to the Plaintiffs' claims against the Kittitas
6 County Defendants under 42 U.S.C. § 1983 and 42 U.S.C. § 1988. Plaintiffs note that their claims
7 under *Ex parte Young* remain against all county Defendants, and reserve their right to appeal this
8 Court's adverse ruling.

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12 June 22, 2023.

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